FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1566 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Vikas Shivarkar for the applicant.

Mr.R.Y.Mirza APP for the State.

Coram : R.S.Mohite,J

Date : 13.6.2006.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.702/2005 registered by Kothrud police station, Pune for offences punishable under Sections 341, 342, 366(A),376(G), 506 r/w 34 of IPC. FIR is lodged at the instance of Sarika Sudam Bhagat who claims to be aged 15 years. The incident of rape took place on the night of 20.11.2005. In her complaint, she contended that she was taken on the motor cycle by force by a boy namely Sunil who was known to her and

his friend, whose name she later discovered to be Kisan because Sunil addressed him. They took her to a lonely spot on the motor cycle and both committed rape on her. Later on she has taken to another premises and she was raped by them as well as 2 others of which one of the person was named Bhagwan. In the identification parade she identified the present accused as the person whom she has seen at the time of the incident. My attention was drawn to the fact that after recording of the FIR on 21.11.2005, another statement of prosecutrix was recorded on 21.11.2005 in which she stated that 5 persons had raped her. Police have shown 5 persons as accused and have arrested one more person by name Rahul Landage as accused no.5 in this case. The medical evidence indicates that there are several abrasions found on the body of the victim. Nail scratches marks are found on the right

shoulder of the prosecutrix. In the circumstances, in my view once the present applicant is identified in an identification parade, it cannot be said that there is no material against him. The offence in question is a serious one. In the circumstances, not a fit case for grant of bail. Rejected.

2. It is made clear that observations made in this order are prima facie and will not be used by the trial Court at the time of trial.

(R.S.Mohite,J)